THE MYSORE AGRICULTURAL LANDS (PROHIBITION OF ALIENATION) BILL, 1973

(L.A. Bill No. 20 of 73)

A BILL TO PROHIBIT THE ALIENATION OF AGRICULTURAL LANDS IN THE STATE OF MYSORE.

WHEREAS.—it is necessary and expedient in the public interest to prohibit alienation of agricultural lands in the State of Mysore pending enactment of the Mysore Land Reforms (Amendment) Bill, 1972 and for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution of India;

AND WHEREAS.—it is apprehended that large scale transfers of such land may take place to defeat the object in view;

BE it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows:—

1. SHORT TITLE, EXTENT AND COMMENCEMENT.—(1) This Act may be called the Mysore Agricultural Lands (Prohibition of Alienation) Act, 1973.

(2) It extends to the whole of the State of Mysore;

(3) It shall come into force at once.

2. DECLARATION.—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified, in clause (b) and (c) of article 39 of the Constitution of India.

3. DEFINITIONS.—In this Act, unless the context otherwise requires

(1) "land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purpose or purposes subservient thereto and includes lands used for dairy farming, poultry farming or breeding of live stock, horticultural land, forest land, garden land, pasture lands, plantation and tope but does not include house-site or land used exclusively for non-agricultural purposes;

(2) "person" includes a company, family, association or other body of individuals whether incorporated or not and any institution capable of holding property;

(3) "trust" includes a trust created for public purposes of a charitable or religious nature.

4. PROHIBITION OF ALIENATION, ETC.—(1) No person who holds any land whether as owner, tenant, or in any other capacity, shall, on or after the commencement of this Act, alienate such land by way of sale, gift, exchange, usufructuary mortagage or otherwise,

or effect a partition or create a trust of such property; and any alienation made or partition effected or trust created in contravention of this section shall be null and void:

Provided that nothing in this sub-section shall apply to leases by a person who under the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962) is entitled to lease the lands owned by him and to simple mortgages.

(2) The provisions of sub-section (1) shall apply to any sale of land of any person in execution of a decree or order of a civil court or of any award or order of any authority.

5. RESTRICTIONS ON REGISTRATION OF DOCUMENTS.—Notwithstanding anything contained in the Registration Act, 1908,—

(a) no document relating to alienation of land (otherwise than by way of lease or simple mortgage), or partition of any land or the creation of a trust in respect of a land shall be registered on or after the commencement of this Act by any registering officer appointed under the said Act; and

(b) a document relating to alienation or partition of any land or the creation of any trust of any land registered on or after the commencement of this Act, shall for the purposes of section 4, take effect and operate only from the time of such registration notwithstanding that such a document has not been registered within this State.

6. POWER TO EXEMPT.—The State Government may, if it considers it necessary so to do for avoiding hardship to any person exempt, by order published in the official Gazette, any alienation made or partition effected or trust created in respect of any land from the provisions of this Act.

7. ACT NOT TO APPLY TO CERTAIN CASES.—Nothing in this Act shall apply to any transfer of land by or in favour of the State Government or the Central Government or a co-operative society registered or deemed to be registered under the Mysore Co-operative Societies Act, 1959 (Mysore Act 11 of 1959) or a Bank.

EXPLANATION.—For the purposes of this section 'bank' means a banking company as defined in section 5 of the Banking Regulation Act, 1949, and includes the State Bank of India, constituted by the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, and a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 and the Mysore State Agro Industries Corporation and the Agricultural Finance Corporation which are companies incorporated under the Companies Act, 1956.

8. POWER TO MAKE RULES.—(1) The State Government may, by notification published in the official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act and every order issued under section 6 shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or order or both Houses agree that the rule or order shall not be made, the rule or order shall from the date on which the modification or annulment is notified by the State Government in the official Gazette have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

9. ACT TO OVERRIDE OTHER LAWS.—The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith in any other law for the time being in force, or any custom, usage or agreement or decree of a Court, Tribunal or other authority.

STATEMENT OF OBJECTS AND REASONS

The Mysore Land Reforms (Amendment) Bill, 1972 which is pending before the Legislature seeks *inter alia* to reduce the ceiling area. In order to prevent transfers taking place in the meanwhile so as to circumvent the proposed reduction in the ceiling area, it is considered necessary in the public interest to prohibit alienation of agricultural lands in the State. Hence this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 empowers the State Government to make rules for carrying out the purpose of the Act. The rules made under this clause by the State Government will be laid before both the Houses of the State Legislature and are subject to modification by the Legislature.

The delegation of the proposed legislative power is of a normal character.

N. HUTCHAMASTHY GOWDA

TE. HANUMANTHAEPA,
Secretary.